

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
REPLY BRIEF**

ORIGINAL

77-6092

To be argued by
VITO VINCENTI

IN THE
United States Court of Appeals
FOR THE SECOND CIRCUIT

SNEAKER CIRCUS, INC., BLAZER SPORTS INTERNATIONAL, INC., and BOB WOLF ASSOCIATES, INC.,

Plaintiffs-Appellants,

—against—

JIMMY CARTER, President of the United States, ROBERT S. STRAUSS, Special Representative for Trade Negotiations, STEPHEN J. LANDE, Deputy Special Representative for Trade Negotiations, and UNITED STATES INTERNATIONAL TRADE COMMISSION,

Defendants-Appellees.

On Appeal From the United States District Court For the Eastern District of New York

**REPLY BRIEF AND ADDENDUM FOR
PLAINTIFFS-APPELLANTS**

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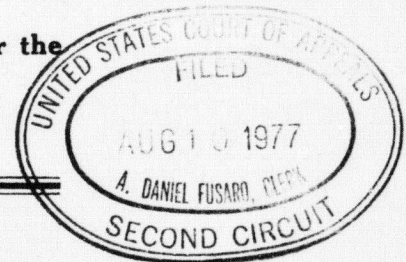


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On Appeal From the United States District
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REPLY BRIEF FOR PLAINTIFFS-APPELLANTS

PRELIMINARY STATEMENT

The brief of Defendants-Appellees ("Appellees"), at page
5, misstates the claims of Plaintiffs-Appellants ("Appellants")
in this action as to why the voluntary quota agreements entered

into between the United States and the Republics of China and Korea, which are the subject of this lawsuit, should be enjoined.*

Briefly, Appellants' claims are these:

1. As to the International Trade Commission ("ITC") investigation, the primary claim of Appellants is that the ITC violated the provisions of § 2251(e) of the Trade Act [19 U.S.C. § 2251(e)] in failing to elicit or otherwise have any new evidence before it as to whether "good cause" existed warranting a reinvestigation of the same subject matter within one year, as provided for in subdivision (e). The clear intendment of Congress was that "sufficient new evidence" be submitted to the ITC to warrant reconsideration.** The contention of Appellees that a mere determination of "good cause" by the ITC, devoid of evidentiary basis, satisfies subsection (e) makes a mockery of that statute. The minutes of the ITC meeting of October 5, 1976, held in closed

* As noted in Appellees' brief (at p. 2), following the submission of Appellants' brief and supplemental brief, the agreements were executed on June 14, 1977 (Republic of China) and June 21, 1977 (Republic of Korea). Appellants' application to this Court for a preliminary injunction pending appeal and for an expedited appeal was denied on June 14, 1977. Moreover, Appellees' brief (at p. 4) acknowledges that the agreements were published in the Federal Register on June 24, 1977 (42 Fed. Reg. 32440-32443). Prior to this time, Appellants had no knowledge of the contents of the agreements and the same were made the subject of an "in camera" inspection by the Court below in connection with Appellants' application there for a preliminary injunction. (See Appellants' brief, p. 5.) The President proclaimed the agreements on June 22, 1977 [42 Fed. Reg. 32430-32435].

** See Report of the Senate Finance Committee on the Trade Act of 1974, at p. 123.

session, makes it clear that no new evidence was presented to this body in connection with its determination of "good cause" (62-66).^{*} Moreover, statistical information released by the ITC subsequent to the October 5, 1976 meeting indicated that, in fact, the position of the domestic footwear industry in relation to imports for non-rubber footwear had improved during the interval between the ITC's initial report and prior to its "good cause" determination (34-36).

As a secondary theory, Appellants contend that the ITC violated constitutional due process in failing to hold a hearing or give notice to interested parties and provide them with an opportunity to be present, produce evidence and be heard on the issue of "good cause". Both prior to and after the October 5, 1976 meeting, held in closed session, interested parties petitioned and noticed the ITC that they wished to present evidence and to be heard on the question of "good cause" to be determined by the ITC (18, 30, 32). The Trade Act provides for public hearings on all issues during the course of any proceeding after a request has been made to the ITC for investigation, and no exception is made for the "good cause" determination [19 U.S.C. § 2251(c)]. Thus, it is also contended by Appellants that due process was lacking with respect to the "good cause" determination.

Appellees' statement of Appellants' claims ignores the primary charge set forth above.

* Figures in parentheses are reference to pages in the Appendix, except references with the letter "S" refer to the Supplemental Appendix.

2. The balance of Appellants' claims in their complaint relate to charges of violations of the Trade Act by the President of the United States and his delegates, the Special Representative for Trade Negotiations and the Deputy Special Representative, thereby invalidating any agreements reached under the Trade Act. Following the statutory scheme, the first of these violations charged is that the President and his delegates failed to consider the effect of import relief on consumers and on competition in domestic markets through the implementation of absolute quotas, as provided by the Trade Act. [19 U.S.C. 2252(c)]. Neither the Presidential determination proclaimed on April 1, 1977 and the document transmitted to Congress contain any evidence of such consideration by the President (37). Proclamation dated June 22, 1977 also fails to indicate any consideration of this required matter [42 Fed. Reg. 32430-32435].

3. The claim is made that the President's actions violated subsection (b)(1) of the Trade Act [19 U.S.C. § 2252(b)(1)], in that he failed, within the prescribed 60-day period, " . . . to determine what method and amount of import relief he will provide . . ." and to publish this information in the Federal Register. No such determination was made. The amount of the quota restraints contained in the agreements was certainly not made public until their publication in the Federal Register on June 24, 1977 [42 Fed. Reg. 32430-32435].

The significance of this provision is revealed in the

light of subsection (c)(1) of § 2253 of the Trade Act, providing that Congress may adopt a resolution disapproving of the action or determination of the President. Absent the publication of the method and amount of the Presidentially proposed import relief, Congress is unable to act informatively with respect thereto. Prior to the aforementioned publication in the Federal Register on June 24, 1977, only rumors and press accounts were available to Congress and the public [42 Fed. Reg. 32430-32435].

4. Appellants also contend that the absolute quotas imposed on the Republic of China and the Republic of Korea by the agreements are beyond the maximum relief permissible under the Trade Act [19 U.S.C. § 2253(d)].

5. Further, it is urged that the agreements are in violation of the General Agreements on Tariffs and Trade and the Treaty of Friendship, Commerce and Navigation between the United States and the Republic of Korea because the absolute import quotas discriminate against the Republic of China and the Republic of Korea by singling them out to bear the brunt of the quotas instead of including all countries exporting non-rubber footwear to the United States, as recommended by the ITC's report.

6. If the agreements were made in violation of the express terms of the Trade Act, then, Appellants contend, they are not only invalid in and of themselves, but they constitute unauthorized and illegal restraints of trade, in violation of the Sherman Act [15 U.S.C. § 1].

At the time of the commencement of this action on June 2, 1977, Appellants moved the Court below for a temporary restraining order and a preliminary injunction preventing the United States from entering into the then proposed marketing agreements. Contrary to Appellees' assertion (at p. 2 of their brief), the application for injunctive relief was never reached and ruled on by the Court. Instead, eight days later, the Court handed down its order dismissing the complaint for lack of subject matter jurisdiction by reason solely of the exclusive jurisdiction of the Customs Court (10).

POINT I

FACTUALLY, THE MERCHANDISE SUBJECT TO THE QUOTAS IN THE MARKETING AGREEMENTS WILL NEVER ARRIVE IN THE UNITED STATES; THERE WILL NEVER BE ANY OPPORTUNITY FOR PROTEST UNDER THE TARIFF ACT, AND THE JURISDICTION OF THE CUSTOMS COURT CAN, THEREBY, NEVER BE INVOKED.

Now that the subject marketing agreements have been made public, it is clear that the quota restraints thereunder will be implemented overseas in the Republics of China and Korea. The very first implementing paragraph of each of these agreements provides:

"(1) The Government of the Republic of China [Korea] will administer its control over exports to the United States from the Republic of China [Korea] of non-rubber footwear as defined in Annex A . . . at the levels set forth in Annex B. . . ."

The role of the United States, under these agreements, is one of assistance. The enforcement is to be implemented by the foreign governments. Nowhere do Appellees dispute this. In fact, Appellees concede (at pp. 4-5 of their brief) that the role of the United States Customs Service is relegated to counting the footwear and checking for export visas.

The merchandise subject to these marketing agreements will never arrive at U. S. ports. Contrary to the statement in the order of the Court below (9), the speculation is not that the merchandise will never arrive at U. S. ports; that is a virtual certainty. The speculation, made, we add, without foundation, is that the subject merchandise in excess of the quota limits will arrive in the United States, providing the sole basis for protest and the invocation of Customs Court jurisdiction [28 U.S.C. § 1528(c)]. The mere counting of the non-rubber footwear and the checking for export visas from the foreign countries by the Customs Service does not give rise to a basis for protest invoking the jurisdiction of the Customs Court, as provided in 28 U.S.C. § 1582.

The grounds for protesting are explicitly set forth in the Customs Law [19 U.S.C. § 1514]. The grounds are limited and none of them is applicable to Appellants or voluntary implementation of quotas by a foreign government. None of the activities of the Customs Court suggested by the Appellees (at pp. 4-5 of their brief) comes under any of the specific grounds set forth in the

Customs Law [19 U.S.C. § 1514]. Neither counting nor checking for export visas would afford Appellants the opportunity to protest. Without a protest, the jurisdiction of the Customs Court cannot be invoked [28 U.S.C. § 1582].

Appellees, apparently recognizing the merits of Appellants' contention that because of the voluntary implementation of quotas by the foreign governments they will be unable to meet the prerequisites for invoking the jurisdiction of the Customs Court, suggest that the Appellants conspire with an exporter in order to create a situation to invoke Customs Court jurisdiction (at p. 8 of Appellees' brief). Leaving aside the propriety of Appellants wilfully violating the accords, the suggestion would require Appellants and an exporter to violate civil and criminal laws of this Court and of the Republics of China and Korea.

. All exports in both the Republic of China and the Republic of Korea are subject to strict control and regulation by the respective governments. Exporters are required to be licensed; their goods are subject to inspection, and violators are subject to fine and/or imprisonment.

In the Republic of Korea, laws have been enacted governing and regulating exports.* The law requires anyone engaged in the export business to obtain a permit (Article 3), authorizes inspection (Article 28), prohibits businesses from exporting without

* Annexed as an Addendum to this reply brief is a copy and translation of the law of the Republic of Korea regarding exporting and importing.

following proper procedures (Article 29), and exporters may have their licenses revoked (Article 30), and are subject to fine and imprisonment (Articles 31 and 33). Moreover, there is a specific law requiring inspection of exporting goods, including non-rubber footwear.* The Republic of Korea has issued guidelines for executing and implementing quotas on exports of non-rubber footwear to the United States.**

There are similar laws in the Republic of China*** where exporters are required to be licensed, are subject to inspection, and violators are subject to fine and/or imprisonment. Moreover, the Republic of China has also issued guidelines for handling export quotas of non-rubber footwear shipped to the United States. Under the guidelines, an exporter violating the quotas is subject to revocation of his export license, in addition to other civil and criminal penalties applicable under other laws (Article 10 of the Guidelines). Goods are subject to screening and approval for export in compliance with the quotas (Article 13). Circumventing the export laws is considered a violation of the smuggling laws.

* A copy and translation of pertinent sections of the Inspection Law of Korea are included in the Addendum to this reply brief.

** A copy and translation of the Korean Guidelines are included in the Addendum to this reply brief.

*** At the time of the filing of this reply brief, Appellants have not received the translation of the laws of the Republic of China, but have in their possession summaries thereof. When such translations arrive, they will be submitted to the Court.

The provisions of the applicable laws of the Republics of China and Korea and the guidelines issued by them implementing the quota agreements, including the severe sanctions thereunder, demonstrate the commitment of these governments to enforcing the quota agreements and the remoteness of the prospect of foreign exporters circumventing those laws.

Appellees' other suggestions (at p. 8 of their brief) are no better. As already shown, the mere counting and checking for export visas is insufficient to permit Appellants to file a protest under the Customs Law [19 U.S.C. § 1514]. The strict enforcement by the foreign governments of the export quotas makes it clear that non-rubber footwear in excess of the quotas will not arrive here and be refused entry by the Customs Service, permitting Appellants to protest.

In short, there will never be an opportunity for Appellants to protest and to invoke the jurisdiction of the Customs Court.

POINT II

SINCE THE JURISDICTION OF CUSTOMS COURT
CANNOT BE INVOKED, THIS ACTION IS PROPERLY
COGNIZABLE ONLY IN THE DISTRICT COURT.

Appellees' analysis of the applicable law is a distortion of the clear intendment of these cases. The key to the determination in J. C. Penney v. United States Treasury Department, 439 F. 2d 63 (2nd Cir. 1971), cert. den. 404 U. S. 869 (1971) and Consumers Union of U. S., Inc. v. Committee for the Implementation of Textile Agreements, _____ F. 2d _____ (D.C. Cir. 1977), (Slip Op., pp. 1a-6a)* is that in both actions, protest procedure and the invocation of Customs Court jurisdiction was available. In Penney, supra, the merchandise subject to the duties would, of necessity, arrive in the United States if the duties were to be imposed. In Committee, supra, the quota program, by virtue of the applicable statute, was to be administered by the Committee - an arm of the United States Government, and therefore clearly within the United States, rendering protest procedure available.

In Timken Co. v. Simon, 539 F. 2d 221 (D.C. Cir. 1976), where the merchandise had already passed Customs free from anti-dumping duties, so that protest procedure was no longer available, and Customs Court jurisdiction could not be invoked; the Court of Appeals held that the District Court had jurisdiction. Likewise, in Consumers Union v. Kissinger, 506 F. 2d 136 (D.C. Cir. 1974), the only other decision involving import quota agreements, the

*Addendum to Appellees' Brief

action was cognizable in District Court. The quotas were implemented by agreements between the United States and foreign companies. They clearly were to be enforced overseas. No restraint by Customs officials was available, opening up protest procedure and permitting the invoking of § 1582 and the jurisdiction of Customs Court. That the agreements in Kissinger, supra, were "voluntary", not "formal", or not "legally binding" is entirely imapposite to the issue on this appeal. If anything, the fact that these agreements were not legally binding would mean that there was greater chance for the steel subject there- to in excess of the quota limitations to arrive in the United States, and therefore greater possibility that Customs Court jurisdiction might be invoked. What is significant in Kissinger supra, is that the import quotas were based upon agreements - that is the voluntary consent (whether or not binding) by foreign entities to restrain exports to the United States at point of export. This is rendered copper-plate clear by the opinion in Consumers Union of U.S. Inc. v. Committee for the Implementation of Textile Agreements, supra, which stated the following:

"Consumers Union v. Kissinger, 506 F. 2d 136 (D.C. Cir. 1974) is said to be the contra. But in that case, the 'voluntary import restraint undertakings' were not legally binding and could not be implemented by the Customs Service. Id. at 143. There could, as a result never have been a decision by a Customs official upholding the restraint and opening up the protest procedure which affords access to the Customs Court. Here, however, if anyone wishes to challenge the Committee's action, he can do so as other challenges of that nature are made, i.e. as an importer or as an American manufacturer, producer or wholesaler, bringing textiles into the United States. The provisions of 19 U.S.C. § 1514 then come into play. It provides that 'all decisions of the

Collector . . . excluding any merchandise from entry or delivery under any provision of the customs laws . . . ' are final unless the person aggrieved files a protest with the Collector. Upon its denial, it may bring an action contesting the refusal to allow the merchandise to enter in the Customs Court, 28 U.S.C. § 2332, and its action is reviewable by the Court of Customs and Patent Appeals. 28 U.S.C. § 2638. This exclusiveness is buttressed by 28 U.S.C. § 1340 which gives 'original jurisdiction of any civil action arising under any Act of Congress' to the District Court, 'except matters within the jurisdiction of the Customs Court'". (Emphasis supplied).

The key to the principles enunciated by Kissinger, supra, and recognized by Committee, supra, is not the issue of whether an agreement is legally binding or not, as Appellees would lead this Court to believe, but whether Customs Service action in connection with the goods will give rise to a protest procedure. In Kissinger, supra, and in Timken, supra, no protest procedure could be invoked. At bar, because of the voluntary implementation of quotas by the foreign governments, none of the grounds for filing a protest will occur. These grounds are specific and express, and no other grounds will afford an opportunity to protest [19 U.S.C. § 1514]. The counting and checking of export visas by the Customs Service is not covered by any of the grounds. As pointed out by the Court in Committee, supra, there must be a decision and restraint by the Customs Service to enable a protest to be filed. Accordingly, the District Court retained jurisdiction because Customs Court jurisdiction cannot be invoked.

The law is settled that a District Court can have jurisdiction over even a matter involving customs law, where

the jurisdiction of the Customs Court could not be invoked. Waite v. Macy, 246 U.S. 606 (1918). It is clear that the District Court has jurisdiction over an action, such as Appellants' claim, involving the Administrative Procedure Act. Haneke v. Secretary of HEW, 535 F. 2d 1291 (D.C. Cir. 1976).

This Court confirmed in J. C. Penney v. United States Treasury Department, supra, that where the jurisdiction of the Customs Court cannot be invoked, the District Court would then have jurisdiction. This Court said (at p. 68 of 439 F. 2d):

"It is further urged that even acknowledging that generally exclusive jurisdiction over constitutional issues is vested in the Customs Court, there nevertheless exists a recognized judicial exception to this statutory rule when no adequate relief may be obtained in that court. We do not dispute the existence of such an exception." (Emphasis supplied).

Indeed, the District Court below acknowledged that an exception existed and that Appellants would fall within that exception if Customs Court jurisdiction could not be invoked (7). Appellants have clearly shown that factually they will not be able to meet the prerequisite for invoking Customs Court jurisdiction. Indeed, if the Penney exception did not exist, permitting the hearing of a proper grievance under a federal statute, then there would be an unconstitutional denial of due process. Joint Anti-Fascist Refugee Committee v. McGraff, 431 U.S. 123 (1951). This goes to the very heart and purpose of our judicial system.

The attempt by the District Court below in its opinion to circumvent the fact that the jurisdiction of the Customs Court could not be invoked by legislatively closing a "loop-hole" (S, 85a-86a) only reaffirms Appellants' position that the Customs Court does not have jurisdiction and will not have jurisdiction over import quotas voluntarily implemented in a foreign country.

It has been clearly shown that factually non-quota goods will not reach this country. It has also been shown that, as a matter of law, on this basis, the jurisdiction of the Customs Court can never be invoked. Therefore, the District Court never lost jurisdiction.

CONCLUSION

For the reasons stated above, the order of the Court below should in all respects be reversed.

Respectfully submitted,

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A D D E N D U M

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TRANSLATION FROM KOREAN

GENERAL EXPORT AND IMPORT

Foreign Trade Export and Import Law

Effective January 16, 1967 Law No. 1878

Amended: December 3, 1970 Law No. 2296

December 30, 1972 Law No. 2407

July 25, 1975 Law No. 2781

Article 1 (Purpose)

The purpose of the Law shall be to effectively encourage export and stabilize import so that foreign trade can contribute satisfactorily to the improvement of the balance of payment and to the sound development of a self-sustaining national economy.

Article 2 (Restrictions on Export and Import)

1. A Presidential Decree may be issued to restrict export business and import activities to and from any foreign country or region.

2. It is legal to conduct export and import business activities, provided, however, that they be conducted within countries and regions not restricted by Presidential Decree (Paragraph 1 of Article 2 of this Law), and provided that the activities are not restricted by the provisions of the Communism Prevention and National Security Acts.

Article 3 (Permit for Export and Import Business)

1. Except as provided in special regulations under other laws, anyone who intends to engage in export and import business must obtain a permit from the Minister of Commerce and Industry.

2. The requirements for the permit shall be determined by a Presidential Decree in accordance with Paragraph 1 of Article

3. This provision shall not apply in the case of raw materials, facilities and machinery, which are required for self-consumption in manufacturing.

3. When in accordance with Paragraph 1 of this Law, a foreign national (a natural person who is not a national of the Republic of Korea, a Korean who is also a national of another country, a juridical person established under the laws of another country, a juridical person who maintains its main offices in another country, a juridical person established in Korea, more than one half of whose total outstanding stock is owned by a foreign person -- hereinafter referred to as a foreign national) intends to obtain a permit to engage in import and export business, such person must obtain an approval from the Foreign Trade Executive Committee of the Ministry of Commerce and Industry.

Article 3-2 (Denial of Import and Export Business Permit)

The following individuals shall not be granted export and import business permits:

1. An incompetent or partial incompetent.
2. A person who has declared bankruptcy and has not yet been reinstated by the court.
3. A person who has been sentenced to imprisonment, when less than one year has passed since the date when the sentence of imprisonment was completed or remitted.
4. A juridical person that employs on its staff anyone who falls under the above Subparagraphs 1, 2 and 3.

5. A person whose license for export and/or import was revoked in accordance with Subparagraph 1 or 3 of Paragraph 1 of Article 30 less than one year previously.
6. A person whose license for export and/or import was revoked in accordance with Subparagraph 4 of Paragraph 1 of Article 30 less than three years previously.

Article 4 (Exemption from Import and Export Business Permit)

The following are exempt from the permit requirements in accordance with Paragraph 1, Article 3 of this Law:

1. Imports and exports by the national government, provincial and local offices, or government-owned enterprises for their own consumption.
2. Capital investment under the Foreign Capital Promotion Law.
3. Commodities pledged as collateral that are owned by foreign banks.

Article 5 (Registration of Buy/Sell Agency)

1. A person who intends to operate a buy/sell contract agency must register with the Ministry of Commerce and Industry, in conformity with a Presidential Decree. In the case of a foreign national, the Minister of Commerce and Industry must issue a permit.
2. In order for a foreign national to obtain a permit from the Minister of Commerce and Industry, a recommendation must be obtained from the Foreign Trade Executive Committee of the Ministry of Commerce.
3. The following individuals shall not be permitted to reg-

ister as buy/sell agents:

1. Any individual listed under Paragraphs 1 through 4 of Article 3-2 of this Law.
2. Any person whose registration for a "certificate for buy/sell contract" has been revoked within the last 12 months in accordance with Subparagraph 2, Paragraph 1, Article 30 of this Law.
3. Any person whose registration for "certificate of export/import of commodity" has been revoked during the past year, in accordance with Subparagraph 4, Paragraph 1 of Article 30 of this Law.

Article 6 (Permit or Approvals of Import and Export)

1. A person who intends to import or export commodities must obtain, in conformity with the Presidential Decree, a permit or approval from the Minister of Commerce and Industry. To change any part of the permit the same procedure must be followed.

2. The effective period for a permit shall be determined by a Presidential Decree.

3. In accordance with Paragraph 2 of Article 6, when a person intends to import or export, that person must notify the customs office within the effective period and payments must be made within the effective period.

Article 7 (Consultation with Others)

1. The Minister of Commerce and Industry shall obtain the consent of the Minister of Finance in the case of issuing a permit -- either for an individual or a group -- for import

and export business, which is not covered by Articles 21 and 22 of the Foreign Currency Control Law, in accordance with the Presidential Decree.

2. The Minister of Finance shall obtain the consent of the Minister of Commerce and Industry if a foreign trade transaction law is to be enacted.

Article 8 (Special Treatment of International Treaty)

In case of war, violence, natural disasters between two affected countries, the Minister of Commerce and Finance may conclude a special treaty, in accordance with a Presidential Decree, with either country.

Article 8-2

The Minister of Commerce and Industry may issue a cease and desist order to importers and exporters who disrupt an orderly international market, create mistrust, etc., in accordance with a Presidential Decree.

Article 9 (Publication of Import and Export Matters)

1. The Minister of Commerce and Industry shall give public notice of import/export regulation matters annually or semi-annually, upon 30 days' prior notice.

1. Publication of approval or disapproval of special commodities for import or export, and its duration.

2. Publication of commodity classification -- amount to be imported or exported, price and other statistics.

3. Matters concerning authorization and limitations with regard to Subparagraph 2 above.

2. The Minister of Commerce and Industry shall have the right

to make changes and give public notice when changes are required in the publication dates and other matters. When there is a letter of credit in existence at the time of the public notice, an import and export permit for a commodity shall be deemed to be approved under the law.

Article 10 (Public Notice and Standards for Commodity Prices)

1. The Minister of Commerce and Industry shall publish high and low prices for a commodity in order to standardize the market conditions when it deems it necessary.

2. Importers and exporters shall follow the prices within the limits set in accordance with Paragraph 1 of this Article.

3. Importers and Exporters may request a change in the set price limits established in accordance with Paragraph 1 of this Article.

Article 11 (Payments)

1. Under a permit and approval of a commodity for export, the exporter must receive payments as stated in the permit or approved under Article 6.

2. An exporter who cannot collect all or part of the payment for which an export permit has been granted in accordance with Article 6, must obtain authorization for delay in payment beyond the effective dates or approval of the reasons for non-payment.

3. An exporter who receives a payment higher than that stated in the permit must obtain approval.

4. The Minister of Commerce and Industry must ratify a permission or refusal, giving appropriate justification to the

Minister of Finance.

5. The Minister of Commerce and Industry shall reject any request for approval under Paragraphs 2 and 3 of this Article if it deems that the over- or under-payment is intended as a means of accumulating capital in another country or vice versa.

Article 12 (Duty to Collect Foreign Claims Related to Imports)

1. Any person who has acquired a foreign claim related to the importing of a commodity as determined by Presidential Decree shall collect the claim as soon as it is due or as soon as its conditions are fulfilled, unless the prior approval of the Ministry of Commerce and Industry has been obtained.

2. When approval is given by the Minister of Commerce and Industry, Paragraphs 4 and 5 of Article 11 shall apply.

Article 13 (Insurance)

1. The Minister of Commerce and Industry may require the payment of a collateral insurance premium or the filing of a performance bond by the importer or exporter, in order to ensure that the commodity is imported or exported in accordance with the Presidential Decree.

2. If the import or export of the commodity is not carried out as prescribed in Paragraph 1 of this Article, the commodity shall be placed in a national warehouse, pursuant to Presidential Decree. However, this shall not apply if the importer or exporter was not responsible for the causes of the non-compliance.

Article 14 (Special Treatment of Imports)

The following are not subject to the provisions of Articles 3 through 6 and Article 13 of this Law:

1. Commercial samples, advertising materials, as determined by Presidential Decree.
2. Commodities approved by Presidential Decree which enter and leave the country in the company of diplomatic missions or Presidential appointees.

Article 15 (Association of Exporters and/or Importers)

1. Exporters or importers handling the same commodity shall have the right to form and association among themselves.
2. Such association shall be a juridical person subject to the provisions of the law.

Article 16 (Encouragement of Export)

The Minister of Commerce and Industry shall recognize programs to encourage exports and establish subsidy procedures.

Article 17 (Import of Raw Materials for Foreign Currency Acquisition)

1. The Minister of Commerce and Industry may establish preferential approval procedures for "raw materials and machinery" when their importation would improve the balance of foreign exchange.

2. The Minister of Commerce and Industry shall determine the specifics of the "raw materials and machinery" stipulated in the preceding paragraph with regard to the amount and type of commodity.

Article 18 (Approvals for Changing the Original Purpose of Raw Materials and Machinery)

The Ministry of Commerce and Industry must approve changes in the original intended use of "raw materials and machinery" im-

ported under Article 17. However, this shall not apply to raw materials and machinery or commodities specified by Presidential Decree.

2. Any person who wishes to transfer raw materials and machinery imported under Article 17 to another person who intends to use it for the same purposes, must obtain the approval of the Ministry of Commerce and Industry.

3. The Minister of Commerce and Industry shall give his approval under Paragraph 1 only upon the following conditions:

1. When a given raw material, machine or supply, or a commodity manufactured therewith can no longer be used for export or the acquisition of foreign currency by other means, as a result of force majeure.

2. When a commodity manufacture by the use of a given raw material, machine or supply cannot pass inspection under Article 10 of the Export Inspection Law.

3. When a commodity manufactured with a given raw material, machine or supply is required to be test-produced prior to its exportation because the product requires a high degree of technology.

4. When the conditions for a license to import machinery and equipment are fulfilled.

4. The approval of a change in the intended purpose of a commodity disqualified for export under Subparagraph 2 of the preceding Paragraph shall be made in conformity with the standard established in the regulations of the Ministry of Commerce and Industry.

5. When the Minister of Commerce and Industry approves a change in the intended use under Subparagraph 2 of Paragraph 3, he shall notify the substance of such change to the Minister of Finance.

Article 19 (Equivalent Export)

When importing "raw materials and machinery" in accordance with Presidential Decree, the importer must take steps to earn an equivalent amount of the foreign currency.

Article 20 (Scope of Obtaining Foreign Currency)

The scope and person referred to in Article 19 shall be determined by a Presidential Decree.

Article 21 (Foreign Trade Executive Committee)

In order to establish policy and permit discussion concerning foreign trade matters, a Foreign Trade Executive Committee shall be established, which shall concern itself with

1. Matters of importance with respect to foreign trade policy.
2. Matters such as quarterly announcements of exports and imports and changes as provided in Article 9.
3. Matters considered necessary by the Minister of Commerce and Industry, which he submits for discussion.

Article 22 (Organization and Operation)

1. The Foreign Trade Committee shall consist of 1 chairman and 20 members.
2. The Minister of Commerce and Industry shall be the chairman.
3. The members of the Foreign Trade Committee shall be enrolled by the Minister of Commerce and Industry from the public

officials of the pertinent administrative agencies and persons with appropriate knowledge and experience.

4. The term of office of the members of the Foreign Trade Commission shall be two years. However, the term of office of a member filling a vacancy shall be the remaining period of his predecessor's term.

5. A member of the Foreign Trade Committee may be re-elected for another term.

6. Matters necessary for the organization and operation of the Foreign Trade Committee other than those provided for in the preceding 5 paragraphs shall be prescribed by Presidential Decree.

Article 23 (Delegation of Authority, Etc.)

The Minister of Commerce and Industry may, in such a manner as may be prescribed by Presidential Decree, delegate his authority in part, in accordance with existing law, to the chief public officials of the pertinent administrative agencies, to the mayors of the cities of Seoul and Pusan, or the provincial governors, and to the Chief of Customs, the Presidents of the Korean Banks and the Korean Foreign Exchange Bank, or to a juridical person established for the purpose of promoting export and regulating imports.

Article 24 (Direction and Supervision)

1. The Minister of Commerce and Industry shall direct and supervise the Chief of the Customs Office, the President of the Korean Banks and the Korean Foreign Exchange Bank or any juridical person established for the purpose of promoting export and regulating imports, with respect to the powers dele-

gated under Article 23.

3. The Minister of Commerce and Industry the persons to whom powers are delegated or entrusted to make a report, in such a manner as may be prescribed by Presidential Decree, with respect to the delegation or trust.

Article 25 (Follow-up Control of Export and Import)

The Minister of Commerce and Industry shall, in such a manner as may be prescribed by Presidential Decree, check to see whether or not the export or import of a commodity has been executed in accordance with the pertinent laws.

Article 26 DELETED

Article 27 (Reporting)

The Minister of Commerce and Industry may, in such a manner as may be prescribed by Presidential Decree, direct any exporter and/or importer, manufacturer, processor or the publisher of the letter confirming the sale of goods to file a report.

Article 28 (Inspection)

1. The Minister of Commerce and Industry may, if he considers it necessary to implement this Law, direct the pertinent public officials to inspect books, papers, or other materials at the offices, places of business, factories, warehouses or other locations of the exporters and/or importers, manufacturers, processors, or persons entrusted with importing or exporting or the publisher of the letter confirming the sale of the goods.

2. When the pertinent public officials conduct inspections in accordance with the preceding paragraph, they shall produce upon request their identification cards to the interested parties.

Article 29 (Prohibition of Disturbance of the Regular Course
of Export and/or Import)

Any exporter and/or importer, manufacturer, processor, person entrusted with exports or imports, or publisher of a letter confirming the sale of goods shall not:

1. Export any commodity at prices lower than those prescribed in accordance with Article 10.

2. Fail without due cause to perform an export within the period specified in the letter of export credit or the export contract.

3. Export and import or entrust others with exporting and importing without following the proper procedures.

4. Export a commodity that falls short of the conditions set forth in the letter of credit or the export contract involved.

5. Engage in any transaction other than the activities set forth in Subparagraphs 1 through 4 that causes damage to overseas credit in the foreign market or presents major obstacles to export or import in the region.

Article 30 (Revocation of License to Engage in Export/Import
Business)

The Minister of Commerce and Industry may, when one of the following Subparagraphs is applicable to the exporter/importer or the publisher of the letter confirming the sale of the goods, order the revocation of the license to engage in export/import business or the registration of the publisher of the letter confirming the sale of the goods, or the suspension in whole or in part of the operation of the export and import business

or the publication business:

1. When the export of a commodity does not satisfy the conditions prescribed in accordance with Article 3 or the requirements set forth in a Presidential Decree.
2. When the publication business fails to fulfill the requirements set forth in a Presidential Decree.
3. When the conditions of Subparagraphs 1 through 4 of Paragraph 2 of Article 3 are fulfilled.
4. When this Law or any order or regulation enacted in accordance therewith is violated.

2. If an exporter and/or importer, manufacturer, processor of export goods or publisher of a letter confirming the sale of goods violates this Law or any regulation enacted in accordance therewith, he shall be fined not more than 3 million won.

Article 31 (Presumption with Regard to the Application of the Penal Provisions)

When the employees of the Korean Bank and the Korean Foreign Exchange Bank engage in business delegated by the Minister of Commerce and Industry under Article 23, they shall be regarded as public officials for purposes of the application of the penal provisions of the Penal Code or other laws. The same shall apply to the staffs or employees of juridical persons established for the purpose of promoting export or regulating imports.

Article 32 (Penal Provisions)

1. Any person, including the representative of a business enterprise, who has violated the provisions of Article 2 shall

be imprisoned for not more than 10 years or fined not more than five (5) times the price of the commodity.

2. Any person, including the representative of a business enterprise, who has violated the provisions of Article 8 or Article 8-2 shall be imprisoned for not more than 5 (five) years or fined not more than 3 (three) times the price of the commodity.

Article 33 (Penal Provisions)

Any person, including the representative of a business enterprise, who has committed the acts described below shall be imprisoned for not more than three years or fined not more than 5 million (5,000,000) won.

1. An importer and/or exporter, manufacturer, processor, or person entrusted with importation who violates Paragraphs 1 or 2 of Article 18.

2. A person who violates Article 19.

3. A person who fails to make a report, or who makes a false report, in violation of an order under Article 27.

4. A person who refuses, obstructs or evades the inspection provided for in Article 28.

5. A person who violates Article 29.

Article 34 (Concurrent Punishment)

If the representative of a juridical person, or the agent, employee or other person working for a juridical person or a natural person, has been guilty of the offenses set forth in Articles 32 and 33 in connection with the business of such juridical or natural person, such juridical or natural person shall be fined concurrently with the punishment of the actual offender.

Article 35 (Enforcement Decree)

Matters necessary for the enforcement of this Law shall be prescribed by Presidential Decree.

ADDENDA

1. (Effective Date)

This Law shall become effective on the first day of April, 1967.

2. (Laws Repealed)

The Foreign Trade Law, Export Promotion Law, Temporary Law for the Export Promotion Subsidy are hereby repealed.

3. (Transitional Measures)

For purposes of the enforcement of this Law, authorizations, permits or approvals granted or made under this Law prior to its amendment shall be governed in accordance with the provisions of the Law prior to its amendment.

4. (Ditto)

All exporting and importing registered at the time this Law becomes effective shall be deemed to be licensed in accordance with this Law.

Amended (December 31, 1970 Law 2266)

Effective (December 30, 1972 Law 2407)

Amended (July 25, 1975 Law 2781)

1. (Effective Date)

This Law shall become effective upon promulgation. However, the regulation contained in Paragraph 3 of Article 6 shall take effect 90 days after the effective date of the law.

2. (Transitional Measures)

Until the effective date of this Law, the penal provisions prior to the enforcement of this Law shall apply.

3. (Relationship to Other Laws)

Upon the effective date of this Law, the Presidential Decree concerning military emergency for national security shall apply, replacing Article 9 of this Law with Article 4 of the Foreign Trade Law under the Presidential Decree, Article 16 of this Law with Paragraph 3 of Article 16 of the Agricultural Trade Laws under the Presidential Decree.

輸出入一般

수출입일반

◇ 貿易去來法

제정 (1967년 1월 16일 법률 제1878호)
개정 { 1970년 12월 31일 법률 제2501호 }
 { 1972년 12월 30일 법률 제2105호 }
 { 1995년 7월 25일 법률 제254호 }

第1條 (目的) 이 법은 輸出入을 振興하여 輸入을 調整하여 對外貿易의 健全한 發展을 促進함으로써 國際收支의 均衡과 國民經濟의 發展에 寄與함을 目的으로 한다.

第2條 (수출과 수입의 제1) ① 대통령령으로 정하는 특정국가나 지역에 대하여는 수출 또는 수입을 금지하거나 제한할 수 있다.

② 제1항의 규정에 의하여 대통령령으로 금지하거나 제한하지 아니한 공산국가나 지역에 대한 수출입에 대해서는 그 행위가 업무수행상 정당하다고 인정되는 범위 내에서 반공법 및 국가보안법의 적용을 받지 아니한다.

第3條 (輸出入業의許可) ① 物品의 輸出 또는 輸入을 業으로 하고자 하는 자는 다른 법률에 특별한 규정이 있을 경우를 제외하고는 商工部長官의 許可를 받아야 한다.

② 第1項의 規定에 의한 許可를 받을 수 있는 요건이나 필요한 事項은 大統領令으로 정한다.

다만, 自家生産品 또는 自家生産에 必要한 原料, 施設이나 機械의 輸出入業의 許可를 받을 수 있는 요건에 대하여는 大統領令이 定하는 바에 의하여 差支를 볼 수 있다.

③ 商工部長官이 第1項의 規定에 의하여 外國人(大韓民國의 國籍을 갖지 아니한 자, 大韓民國國籍과 大韓民國이외의 國籍을 二重으로 가진 자, 外國法에 의하여 設立된 法人 또는 外國에 本店 또는 主된 事務所를 가진 法人과 國內法에 의하여 設立된 法人으로서 그 株式 또는 持分의 2分の1 이상을 外國인이 所有하고 있는 法人을 말한다. 이하 같다)에 대한 輸出入業의 許可를 하고자 할 때에는 貿易委員會의

審議를 거쳐야 한다.

第3條의 2 (輸出入業許可의 缺格事由) 다음 각號의 1에 該当하는 자는 輸出入業許可를 받을 수 없다.

1. 禁治者 또는 限定治者
2. 破産者로서 復權되지 아니한 자
3. 禁錮以上の 刑을 받고 그 執行이 終了되거나 執行을 받지 아니하고도 確定된 날로부터 1년이 經過되지 아니한 자
4. 任員中에 第1號에서 第3號의 1에 該当하는 자가 있는 法人
5. 第30條 第1項 第1號 또는 第3號의 規定에 의하여 輸出入業의 許可가 取消된 날로부터 1년이 經過되지 아니한 자
6. 第30條 第1項 第4號의 規定에 의하여 輸出入業의 許可가 取消된 날로부터 3년이 經過되지 아니한 자

第4條 (輸出入業許可의 免除) 第3條 第1項의 規定은 다음 각號의 1에 該当하는 輸出入에 關하여는 이를 適用하지 아니한다.

1. 國家機關·地方自治團體 또는 政府投資機關이 自己需要를 目的으로 하는 物品의 輸入
2. 外資移入法에 의한 外資의 移入
3. 外國匯銀行이 擔保의 目的으로 取得한 物品의 輸出

第5條 (物品賣渡確約書發行業의 登録) ① 物品賣渡確約書의 發行을 業으로 하고자 하는 자는 大統領令이 정하는 바에 의하여 商工部에 登録을 하여야 한다. 다만, 外國人인 경우에는 商工部長官의 許可를 받아야 한다.

② 外國人인 경우에는 商工部長官의 許可를 받아야 한다. 다만, 許可를 받지 아니하는 貿易委員會의 審議를 거쳐야 한다.

③ 다음 각號의 1에 該当하는 자는 第1項의 規定에 의한 物品賣渡確約書發行業의 登録을 할 수 없다.

1. 第3條의 2 第1號에서 第4號의 1에 該当하는 자
2. 第30條 第1項 第2號의 規定에 의하여 物品賣渡確約書發行業의 登録이 取消된 날로부터 1년이 經過되지 아니한 자
3. 第30條 第1項 第4號의 規定에 의하여 物品賣渡確約書發行業의 登録이 取消된 날로부터 1년이 經過되지 아니한 자

第6條 (輸出入의 許可 또는 承認) ① 物品을 輸出 또는 輸入하고자 하는 자는 大統領令이 定하는 바에 의하여 商工部長官의 許可 또는 承認을 얻어야 한다. 許可 또는 承認된 事項의 一部를 變更하고자 할

輸出入一般

제10條(主權) 輸出入은

제1項의 規定에 依하여 許可 또는 承認의 有效期間에 限하여 行하여 大統領令으로 定한다.

제11條(輸出의 許可) 輸出入의 許可 또는 承認의 有效期間內에 稅關長에게 輸出 또는 輸入의 申請을 하여야 한다. 그 申請에 對하여 大統領令으로 定한 輸入代金을 納付한 後에 輸入代金을 支給한다.

제12條(稅關의 承認) ① 商工部長官의 承認管理에 第21條 及 同法 第22條의 規定에 依하여 行하여 大統領令으로 定한다. ② 輸出入의 許可 또는 承認을 大統領令이 定한 條件에 依하여 包納 또는 納付의 方法으로 稅務部長官의 同意를 하여야 한다.

③ 稅務部長官의 行爲正當性方法을 定하고자 할 때에는 大統領令으로 定한다.

제13條(對外貿易의 制限) ① 商工部長官은 國際 平和 또는 去來和戰國의 戰爭, 事變 또는 天災 地變으로 因하여 輸出入에 關한 特別한 規定을 必要하다고 認定한 때에는 大統領令이 定하는 範圍에 依하여 對外貿易에 關한 特別措置를 行할 수 있다.

제14條의 2 (輸出入의 秩序維持等에 關한 調整 및 命令) ① 商工部長官은 對外市場에서 輸出入의 秩序를 維持하며 外國의 對外信用을 阻害하는 行爲을 防止하기 위하여 必要하다고 認定한 때에는 大統領令이 定하는 範圍에 依하여 輸出入의 秩序, 輸出入의 許可 또는 承認을 行하여 必要한 事項을 調整할 수 있고 그 調整에 不遵할 때에는 輸出入의 許可 또는 承認을 行할 수 없다.

제15條(輸出入의 別別公告) ① 商工部長官은 物品의 輸出入 또는 輸入에 關하여 다음 事項을 綜合적으로 第21條의 規定하고 每年度 또는 2年間을 實施期間으로 하여 實施 30日前에 이를 公告한다.

1. 物品의 輸出入 또는 輸入에 關한 承認品目, 許可品目 또는 禁止品目 等의 區分에 關한 事項.
2. 物品의 種類別 數量 또는 金額의 限度, 規格 또는 地區等의 制限에 關한 事項.
3. 第22條의 制限에 關한 推薦 또는 確證等에 關한 事項.

② 商工部長官은 第1項의 規定에 依한 別別 公告를 實施期間內에 變更의 必要가 있을 時에 變更公告를 行할 수 있다. 이 경우에 依하여 信用狀의 開立을 輸出去來外 許可 또는 承認을 輸出入에 關하여는 特例의 例에 依한다.

제16條(輸出入物品價格의 査定과 公告) ① 商工部長

官은 輸出 또는 輸入物品의 價格을 査定할 때에는 그 基準價格 또는 最高價格과 最低價格을 査定하여 이를 公告하여야 한다.

② 物品의 輸出入은 第1項의 規定에 依하여 公告된 價格에 依하여야 한다.

③ 第1項의 規定에 依하여 公告된 價格으로 物品의 輸出入 또는 輸入을 行할 수 없을 때에는 商工部長官이 定하는 範圍에 依하여 商工部長官에게 그 物品의 輸出入 또는 輸入에 關하여 價格의 變更을 申請하고 그 承認을 얻어야 한다.

제17條(代金回收의 義務) ① 物品을 輸출한 者는 第6條의 規定에 依하여 許可 또는 承認된 代金 決済方法에 依하여 當해 物品의 代金全額을 回收하여야 한다.

② 物品을 輸출한 者는 第1項의 代金債權을 그 期限內에 全部 또는 一部를 回收하지 못할 때에는 商工部長官의 期限延長에 關한 承認 또는 未回收代金 處理에 關한 許可를 받아야 한다.

③ 物品을 輸출한 者는 輸出物品의 代金을 超過額收할 때에는 그 超過金額의 처리에 關하여 商工部長官의 許可를 받아야 한다.

④ 商工部長官은 第2項 또는 第3項의 規定에 依한 許可를 行할 때에는 그 事實을 稅務部長官에게 通報하여야 한다.

⑤ 商工部長官은 그 去來가 資本의 逃避나 決済의 制限을 免할 目的으로 이루어질 우려가 있다고 인정될 때에는 第2項 및 第3項의 規定에 依한 許可 또는 承認을 하지 아니할 수 있다.

제18條(輸入에 隨伴되는 外貨債權의 回收義務) ① 物品의 輸入에 隨伴되는 外貨債權으로서 大統領令이 定하는 債權을 取得한 者는 當해 債權의 期限의 到來 또는 條件의 成就後 遲延없이 이를 回收하여야 한다. 다만, 商工部長官의 許可를 얻은 때에는 그러하지 아니하다.

② 商工部長官이 第1項 但書의 規定에 依한 許可를 行할 때에는 第11條第4項 및 第5項의 規定을 適用한다.

제19條(擔保提供) ① 商工部長官은 物品의 輸出入 또는 輸入을 하고자 하는 者에 對하여 當해 輸出入 또는 輸入의 實行을 保證하기 위하여 필요할 때에는 大統領令이 定하는 範圍에 依하여 保證金·證券 기타의 擔保物을 제공하게 할 수 있다.

② 第1項의 경우에 當해 物品의 輸出入 또는 輸入이 實行되지 아니한 때에는 大統領令이 定하는 範圍에 依하여 그 擔保物을 國庫에 歸屬된다. 다만, 輸出入業者

而 依前所委託之事務에 關하여 稅關長、韓國銀行總
長、外國匯兌銀行 長 等는 輸出稅則이나 輸入稅序
列 類料等 目的으로 設立된 法人을 指揮、監督하
는。

第25條 (輸出 또는 輸入의 事後管理) 商工部長官은
主權領土의 經濟上의 利益에 依하여 物品의 輸出 또는
輸入의 法令의 規定대로 實施되었는지의 眞實을 審
査하여야 한다.

第27條 (報告) 商工部長官은 輸出入業者, 輸出品의
製造業者나 加工業者, 物品의 輸出入을委託한者
등이 輸出品의品名과品額計業者에게 大體的合計에 對하
여 年別 統計에 必要한 報告를 應할 수 있다.

제2항 제1항의 規定에 依한 檢査를 하는 公務員은 該權
限을 表示하는 證書를 關係人에게 提示하여야 한다.

제20條 (輸出入程序의 規程行爲 禁止) 輸出入業者, 輸出物品의 製造業者나 加工業者, 物品의 輸出入을 代理하는 者 또는 名品賣渡商의 出稼行業者는 다음 各條에서 定規하는 行爲을 하여서는 아니된다.

- 第30條 (輸出入業許可取消等) 第1項 輸出入業者 其1 物品運搬物等 發行業者가 다른 各縣에 1회 該物品 運搬는 輸出入業外 許可 取消 物品 運搬 運搬 發行業者 登錄金 取消 取消 輸出入業外 其 物品運搬物等 發行業者 全部 其는 一部分의 生

1. 第3條의 規定에 依한 要件에 適合하지 아니하게 되거나 輸出實價가 大統領令이 定하는 基準에 未達하게 된 때.

3. 第3條의2 第1號 내지 第4號의 1에 該當하게 될 때

(2) 輸出入業者, 輸出品의 製造業者나 加工業者, 物品의 輸出入을 委託한 者 또는 物品賣渡總約與發行業者가 이 法 또는 이 法에 依한 處分에 違反한 때에는 300萬圓以下의 過料에 處한다.

第32條 (罰則) ①第2條의 規定에 違反한 者는 10年 이하의 懲役 또는 그 物品價格의 5倍 이하에 相當하는 罰金에 處하거나 二者 併科할 수 있다.

②第8條 및 第8條 2의 規定에 依한 措置나 事務調
整 또는 命令에 違反한 者는 5年以下의 懲役 또는 그
物價價格의 3倍以下에 相當하는 罰金에 處한다.

第33條 (罰則) 다음 各號의 1에 해당하는 罰은 3年
이하의 懲勞 또는 500萬원 이하의 罰金에 處한다.

1. 請賜 거나 不正한 行爲로써 第3條의 規定에 의한 輸出入業의 許可를 받은 者, 第5條의 規定에 의한 物品買賣確約書發行業의 登録을 받은 者, 第6條의 規定에 의한 輸出入 許可를 받은 者, 또는 第16條의 規定에 의한 輸出支援을 받은 者

1의 2. 第18條 第1項 또는 第2項의 規定에 違反한
輸出入業者, 輸出品의 製造業者나 加工業者 또는
輸入을 委託한 者

2. 第19條의 規定에 違反한 者
3. 第27條의 規定에 의한 命令에 違反하여 보고를 하
지 아니하거나 虛偽의 보고를 한 者
4. 第28條의 規定에 의한 檢査를 拒否, 妨害 또는
阻礙한 者
5. 第29條의 規定에 違反한 者

第31條 (兩間規定) 法人의 代表者, 法人 또는 自然
人의 使用人 기타 從業員이 그 法人 또는 自然人的

某榜에 관하여 第32條 또는 第33條의 規定를 行하리
는 行爲인 限에 限하여 行하리 者는 該榜의 行하리 者 公人
또는 自然人에 對하여도 適用함을 行한다.

第35條 (公行) 이 法 施行 官은 公行 官인 官廳
은 人統制官으로 行한다.

附 則

제1(施行日) 이 法은 1967. 11. 1. 日 施行한다.

제2(施行日) 이 法은 1967. 12. 31. 日 施行한다.

제3(施行日) 이 法은 1967. 12. 31. 日 施行한다.

제4(施行日) 이 法은 1967. 12. 31. 日 施行한다.

제5(施行日) 이 法은 1967. 12. 31. 日 施行한다.

제6(施行日) 이 法은 1967. 12. 31. 日 施行한다.

제7(施行日) 이 法은 1967. 12. 31. 日 施行한다.

제8(施行日) 이 法은 1967. 12. 31. 日 施行한다.

제9(施行日) 이 法은 1967. 12. 31. 日 施行한다.

제10(施行日) 이 法은 1967. 12. 31. 日 施行한다.

附 則(1970. 12. 31. 日 施行한다.)

이 法은 1970. 12. 31. 日 施行한다.

附 則(1972. 12. 30. 日 施行한다.)

이 法은 1972. 12. 30. 日 施行한다.

附 則(1975. 7. 25. 日 施行한다.)

제1(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제2(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제3(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제4(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제5(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제6(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제7(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제8(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제9(施行日) 이 法은 1975. 7. 25. 日 施行한다.

제10(施行日) 이 法은 1975. 7. 25. 日 施行한다.

TRANSLATION FROM KOREAN TO ENGLISH

LAW REGARDING INSPECTION FOR EXPORT
FROM THE REPUBLIC OF KOREA

Enactment	(10.4.1962	Issue No. 1164)
Revision	(7.10.1968	Issue No. 2024)
	(2.17.1973	Issue No. 2541)

ARTICLE I. GENERAL RULES

Section 1. Purpose -- This law was made for the maintenance and improvement of the internationally acceptable quality and reputation of export goods, thereof builds up the sound export trade internationally.

Section 2. Definitions -- (1) The inspection agencies of the designated export goods in this law include the agency set up by the statute, the governmental or the non-governmental agency authorized by the minister of commercial and industrial department, to inspect the designated export goods. (2) The designated export goods in this law shall not be exported without the procedure of inspection of the above agency.

ARTICLE 2. INSPECTION PROCEDURE

Section 3. Designation of Export Goods -- The export goods which need the procedure of inspection of the agency for the purpose of the maintenance and improvement as the internationally acceptable quality (including packing condition) goods.

But the export goods that need other departmental permission shall be designated by the joint departmental order.

Section 4. The Basis of Inspection

Section 5. The Quality Inspection

Section 6. The Material and the Processing Inspection

Section 7. The Packing Inspection

Section 8. Filing -- One who wants to export goods shall file a written application to the agency as provided by the regulation of the commercial and industrial department.

Section 9. The Inspection Duty of the Agency

Section 10. Acceptance -- (1) The inspection agency that found it acceptable goods as the export goods by the Section 9 shall mark "pass inspection" on the designated export goods and issue a certificate of it to the applicant as provided by the regulation of the commercial and industrial department. (2) The mark of "pass inspection" and the certificate of it shall have the term of validity of the inspection. (3) The designated export goods in this law shall not be exported without the mark "pass inspection" of agency.

Section 11. Mark of Grade

Section 12. Sealing

Section 13. Exception Rule

ARTICLE 3. APPOINTMENT PROCEDURE OF INSPECTION AGENCY

ARTICLE 4. COUNCIL OF INSPECTION OF EXPORT GOODS

ARTICLE 5. SUPPLEMENTARY RULES

ARTICLE 6. PUNITIVE RULES

Section 35. Illegal Export -- One who exported the designated export goods without the procedure of inspection of agency as provided by this law or with the procedure of inspection of it by a dishonest means shall be imprisoned for not more than two years or shall be fined not more than 300,000 Won, or both of them at a same time.

수출검사

◇ 輸出検査法

制定(1962年 10月 4日 法律 第1161號)
改正(1968年 7月 10日 法律 第2021號)
(1973年 2月 17日 法律 第2541號)

第1章 總 則

第1條 (目的) 本法은 輸出品에 對한 檢査(以下 輸出檢査라 한다)를 함으로써 輸出品의 品質 및 對外 聲價의 維持向上을 圖謀하여 健全한 輸出貿易을 造成함을 目的으로 한다.

第2條 (定義) ①本法에서 輸出檢査機關(以下 檢査機關이라 한다)이라 함은 法令에 의하여 輸出檢査를 하는 機關과 政府機關 또는 民間機關으로서 商工部長官의 指定에 의하여 指定된 物品의 輸出檢査를 擔當하는 機關을 말한다.

②本法에서 指定物品이라 함은 檢査機關의 檢査를 받지 아니하고는 輸出할 수 없는 物品을 말한다.

第2章 檢 査

第3條 (物品指定) 輸出品으로서 品質(包裝條件을 包含한다)의 維持向上을 圖謀함이 特別 必要하다고 認定되어 檢査機關의 輸出檢査를 받지 아니하고 輸出할 수 없는 物品은 商工部令으로 定한다. 但, 他部所管에 屬하는 物品에 關하여는 當該部와의 共同部令으로 定한다.

第4條 (檢査基準) ①指定物品의 品質, 規格 또는 包裝에 關한 基準 또는 檢査基準은 商工部令으로 定한다. 但, 他部所管에 屬하는 物品에 關하여는 當該部와의 共同部令으로 定한다.

②前項의 檢査基準을 定함에 있어 特別 必要하다고 認定한 때에는 輸出地域에 따라 差等を 둘 수 있다.

第5條 (品質檢査) 檢査機關은 指定物品의 品質이 前條 第1項의 部令으로 定하는 基準에 適合하느냐의 與否를 部令으로 定하는 方法에 의하여 檢査하여야 한다.

第6條 (材料檢査 및 製造檢査) ①檢査機關은 指定物品의 品質檢査를 함에 있어서 그 物品의 材料에

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對한 品質檢査를 하지 아니하고는 正確한 檢査를 할 수 없다고 認定되는 指定物品에 關하여는 그 材料에 對하여 部令이 定하는 品質基準에 適合하느냐의 與否를 部令의 定하는 方法에 의하여 檢査하여야 한다. ②檢査機關은 指定物品의 品質檢査를 함에 있어서 그 製造過程의 檢査를 하지 아니하고는 正確한 檢査를 할 수 없다고 認定되는 指定物品에 關하여는 그 製造過程의 品質을 部令의 定하는 方法에 의하여 檢査하여야 한다.

第7條 (포장검사) 檢査기관은 포장에 관하여 특별한 檢査를 하지 아니하고는 그 品質의 유지가 可靠하다고 인정될 때에는 포장의 재질 및 그 규격을 부령의 로 定하는 기준 및 방법에 의하여 檢査하여야 한다.

第8條 (檢査申告) 指定物品을 輸出하고자 하는 者는 商工部長官이 定하는 方法에 의하여 檢査機關에 輸出檢査를 申請하여야 한다.

第9條 (檢査義務) ①檢査機關은 輸出檢査의 申請을 받았을 때에는 遲滯없이 檢査를 하여야 한다.

②檢査機關은 輸出檢査를 하고자 할 때에는 第15條의 規定하는 機械 器具 其他 設備을 使用하고 第22條에 規定하는 者로 하여금 輸出檢査를 實施하게 하여야 한다.

第10條 (合格) 檢査機關은 前條의 規定에 依한 檢査 結果 合格된 物品에 對하여는 部令의 定하는 方法에 따라 合格의 表示를 하며 申請人에게 合格證을 交付하여야 한다.

②前項의 合格의 表示와 合格證에는 檢査의 有効期間을 表示하여야 한다.

③合格의 表示없는 指定物品은 輸出할 수 없다.

第11條 (等級表示) ①品質을 識別하기 위하여 特別 必要하다고 認定되는 指定物品에 對하여는 部令으로 그 物品과 品質을 識別하기 위한 等級과 그 基準을 定하여야 한다.

②檢査機關은 前項의 指定物品이 第5條의 檢査에 合格한 때에는 部令이 定하는 方法에 의하여 前項의 部令으로 定한 基準에 依한 等級을 定하고 그 指定物品 또는 包裝에 對하여 部令이 定하는 方法에 의하여 等級의 表示를 하여야 한다.

③前項의 規定에 依하여 等級을 表示하였을 때에는 그 等級의 表示로서 檢査에 合格한 것으로 본다.

第12條 (封印) ①檢査機關은 前條의 規定에 依하여 表示를 하는 指定物品中 商工部長官이 特別 必要하다고 認定하여 指定하는 物品 또는 그 包裝에 對하여는 部令이 定하는 方法에 의하여 封印을 하여야 한다.

輸出檢査

前項의 規定에 의한 封印을 하지 아니한 當該指定物品은 輸出할 수 없다.

第13條 (適用除外等) ①指定物品이 다음各款의 1에 해당하는 때에는 本章의 規定을 適用하지 아니한다.

1. 指定物品의 輸出의 必要성의 存否을 公히 認定하고 認定하여 商工部長官이 許可한 때

2. 他法으로 定한 때

②이 章의 規定에 의하여 指定된 指定品, 이나 指定品으로서 官公署가 필요하다고 認定한 때에는 官公署가 必要하다고 認定하지 아니하는 場合에 官公署가 指定하는 品에 比하 指定品을 輸出하지 아니할 수 있다.

第3章 指定檢査機關

第14條 (檢査機關의 指定) ①第2條의 規定에 의한 輸出檢査機關의 指定을 行하고자 하는 者는 商工部長官에게 申請하여야 한다.

②商工部長官은 前項의 規定에 의하여 檢査機關을 指定하고자 할 때에는 政府機關을 優先적으로 指定하여야 한다.

③政府는 指定檢査機關에 대하여 必要하다고 認定한 때에는 交付金 또는 補助金을 交付할 수 있다.

第15條 (指定基準) 指定檢査機關의 具備하여야 할 檢査所設置地域과 其他 必要한 事項은 部令으로 定한다.

第16條 (指定의 公告) 商工部長官은 第14條의 規定에 의하여 輸出檢査機關을 指定하였을 때에는 그 名稱, 住所, 事務所의 所在地 및 輸出檢査를 하는 物品을 公告하여야 한다.

第17條 (事務所의 變更) ①指定檢査機關은 輸出檢査를 하는 事業所의 所在地를 變更하고자 할 때에는 商工部長官의 承認을 얻어야 한다.

②商工部長官은 前項의 規定에 의한 承認을 하였을 때에는 이를 公告하여야 한다.

第18條 (業務規程) ①指定檢査機關은 輸出檢査의 業務에 관한 規程(이하 業務規程이라 한다)을 定하여 商工部長官의 承認을 얻어야 한다. 이를 變更하고자 할 때에는 또한 같다.

②前項의 業務規程에 規定하여야 할 事項은 部令으로 定한다.

③商工部長官은 第1條의 規定에 의하여 承認한 業務規程이 輸出檢査의 公正을 期하기에 適當하지 아니하다고 認定한 때에는 그 變更를 命할 수 있다.

第19條 (業務의 休業과 廢業) ①指定檢査機關은 그 檢査業務의 全部 또는 一部를 休業하고자 할 때에는 商工部長官의 承認을 얻어야 한다. 廢業하고자 할 때에는 3개월에 前商工部長官에게 申請하여야 한다.

②商工部長官은 前項의 規定에 의한 休業의 承認을 한 때 또는 廢業을 申請을 받은 때에는 그 理由를 檢査하여야 한다. 廢業한 指定檢査機關에 對한 指定檢査機關을 指定하여야 한다.

第20條 (事業計算書等) ①指定檢査機關은 毎事業年度 開始 2月前에 그 事業年度의 事業計算書 및 收支決算書를 豫算하여 商工部長官에게 承認을 얻어야 한다. 이를 公히 公告하여야 한다.

②指定檢査機關은 毎會計年度 開始後 2月內에 그 年度의 事業報告書 및 收支決算書를 豫算하여 商工部長官에게 提出하여야 한다.

第21條 (任員의 檢査權의 限有 또는 廢止) ①任員의 檢査權의 限有과 廢止의 權限을 官公署가 行할 수 있다. 檢査權을 官公署가 廢止할 때에는 商工部長官의 承認을 얻어야 한다.

②商工部長官은 民部院定 檢査機關의 任員 9人을 檢査員의 本法 또는 本法에 의한 檢査員의 職務를 廢止하였을 때에는 指定檢査機關의 檢査權을 廢止할 수 있다.

第22條 (檢査員의 資格의 要件) ①檢査員의 資格은 部令으로 定한다.

②商工部長官은 輸出檢査機關을 備置하고 檢査에 관한 事項을 委任한다.

③前項의 規定에 의하여 委任한 事項에 商工部長官의 承認을 얻는다.

第23條 (罰則의 適用) 輸出檢査의 業務에 違反한 民部指定檢査機關의 任員 또는 檢査員은 本法 또는 他法에서 罰則의 適用에 있어서는 公務員으로 視한다.

第24條 (指定을 取消 또는 廢止) ①商工部長官은 指定檢査機關이 다음各款의 1에 相當한 때에는 指定을 取消하거나 一定한 期間을 定하여 指定을 廢止할 수 있다.

1. 本法 또는 本法에 의한 罰則을 受한 때

2. 第16條 第1項의 規定에 의하여 指定한 業務規程에 違反한 때

3. 正當한 理由없이 輸出檢査를 停止 또는 廢止한 때 商工部長官은 前項의 規定에 의하여 指定檢査機關을 廢止한 後 業務를 停止할 수 있다. 廢止한 때에는 이를 公告하여야 한다.

第25條 (取消의 申請) 指定檢査機關은 指定을 取消하고 檢査에 관하여 商工部長官이 定하는 事項을 報告하여야 한다.

第五條

本法所稱之「船舶」，指在中華民國領海內航行之船舶而言。

第六條 船舶所有人或經營人，應向主管機關申請登記，並領受船舶登記證書。

第七條 船舶所有人或經營人，應向主管機關申請登記，並領受船舶登記證書。

第八條 船舶所有人或經營人，應向主管機關申請登記，並領受船舶登記證書。

第六條 船舶所有人或經營人

GUIDELINES ISSUED BY THE MINISTRY OF COMMERCE AND
INDUSTRY OF THE REPUBLIC OF KOREA FOR EXECUTING
THE FIRST YEAR EXPORT QUOTA OF NON-RUBBER FOOTWEAR
TO THE UNITED STATES

MINISTRY OF COMMERCE AND INDUSTRY

JUNE 23, 1977

SOOIL 1313-(70-3509)

THE GUIDELINES FOR EXECUTING THE FIRST YEAR EXPORT QUOTA
OF NON-RUBBER FOOTWEAR TO THE U.S. ARE HEREBY DIRECTED AS
FOLLOWS, WITH COMPLETE OBSERVANCE OF THE GUIDELINES
ANTICIPATED:

1. CONTROLLED PERIOD: JUNE 28, 1977 - JUNE 30, 1978.
2. CONTROLLED ITEMS: AS ATTACHED.

3. QUOTA: THE FULL EXPORTABLE QUANTITY UNDER THE
KOREA-U.S. AGREEMENT (REGARDING SHOE QUOTAS, OF JUNE 21, 1977)
("THE AGREEMENT") WILL BE ALLOCATED AS A BASIC QUOTA.
33 MILLION PAIRS OF SHOES WILL BE INITIALLY ALLOCATED AND
THE REMAINDER WILL BE ALLOCATED ON SEPTEMBER 1, 1977 AND
THEREAFTER.

4. GUIDELINES IN ALLOCATING THE QUOTA.

A. BASIC QUOTA.

1) A QUOTA WILL BE ALLOCATED TO EACH TRADING COMPANY
IN PROPORTION TO ITS RESPECTIVE EXPORTATION FIGURES FOR THE
PERIOD FROM APRIL 4, 1976 TO APRIL 3, 1977 (AS CONFIRMED BY
ORIGINAL EXPORT PERMITS) WITHOUT TAKING CATEGORIES INTO
CONSIDERATION.

- 2) ALLOCATIONS BY CATEGORY.

ALLOCATED QUOTA 1) HEREINABOVE WILL BE FURTHER
REALLOCATED BY CATEGORIES.

A) FOR ACTUAL EXPORTATION FIGURES THE CATEGORIES
OF WHICH ARE CONFIRMED UNDER THE EXPORT PERMITS, A QUOTA
EQUAL TO SUCH FIGURES WILL BE CONCLUSIVELY ALLOCATED TO
SUCH RESPECTIVE CATEGORIES.

B) FOR THE REMAINING FIGURES FOR WHICH THE
CATEGORIES CANNOT BE ASCERTAINED, THE PROCEDURE FOR
CONFIRMING THE EXPORTED FIGURES BY CATEGORIES WILL BE
MADE THROUGH INVESTIGATION OF ITEMS AND PRICES IN THE
EXPORT PERMITS AND SAMPLES OF EXPORTED ITEMS AFTER THE

RETURN (FROM THE U.S.) OF THE MISSION OF INVESTIGATION OF EXPORTED ITEMS, AND QUOTAS BY CATEGORIES WILL THEREAFTER BE ALLOCATED.

C) IN CASE THE TOTAL QUOTA ALLOCATED TO EACH TRADING COMPANY BY CATEGORIES AS ABOVE EXCEEDS THE LEVEL SET BY THE AGREEMENT (CATEGORY KI: 12,672,000 PAIRS: AND CATEGORY K II: 24,702,000 PAIRS), THE EXCESS QUANTITY WILL BE ADJUSTED IN PROPORTION TO THE RATIO OF THE QUOTA OF EACH TRADING COMPANY AS ALLOCATED UNDER (B) ABOVE.

B) RETURN OR FORFEITED QUOTA.

QUOTAS RETURNED OR FORFEITED THROUGH FOLLOWUP (PARA. 7 HEREOF) WILL BASICALLY BE REALLOCATED IN PROPORTION TO THE QUOTAS RETAINED BY EACH TRADING COMPANY, BUT SUCH REALLOCATION WILL BE SUBJECT TO SEPARATE INSTRUCTIONS OF THIS MINISTRY.

5. DIVERSION OF QUOTAS. IN ANY CASE WHERE THERE OCCURS ANY POSSIBILITY THAT ANY QUOTA MAY BE DIVERTED AMONG THE CATEGORIES AFTER THE ALLOCATION IS MADE UNDER THE ABOVE GUIDELINES, THE DIVERSION OF THE QUOTA WILL BE MADE AS FOLLOWS:

A. DIVERSION OF K II INTO K I WILL BE A BASIC RULE.

B. DIVERSION WILL BE ALLOWED IN PROPORTION TO THE QUOTAS HELD BY THE RESPECTIVE TRADING COMPANIES FOR THE ITEM TO BE DIVERTED.

C. IMPLEMENTATION OF THE DIVERSION WILL BE SUBJECT TO SEPARATE INSTRUCTION OF THIS MINISTRY.

6. TRANSFERS OF QUOTAS.

A. PRINCIPALLY, TRANSFERS OF QUOTAS WILL BE ALLOWED. HOWEVER, TRANSFERS OF QUOTAS WILL NOT BE ALLOWED AFTER THEY FALL UNDER FOLLOWUP (PARA. 7 HEREOF). (IN CASE THE TRANSFER IS MADE TO SETTLE THE RATIFICATION OF EXPORT VISAS, IT WILL BE ALLOWED SUBJECT TO APPLICATION OF THE PENALTY PROVIDED FOR IN PARA. 7 HEREOF.)

B. IN CASE THE TRANSFER IS MADE FROM A SUBSIDIARY TO THE PARENT COMPANY WHICH HAS BEEN DESIGNATED AS A GENERAL TRADING COMPANY (UNDER PRESIDENTIAL DECREE OF THE FOREIGN TRADE TRANSACTIONS LAW), SUCH TRANSFER WILL BE ALLOWED WITHOUT THE APPLICATION OF ANY PENALTY.

7. FOLLOWUP. WHEN ANY PORTION OF A QUOTA HAS NOT BEEN RECOMMENDED FOR EXPORT, SUCH QUOTA WILL BE FORFEITED AS BELOW:

A. WHEN MORE THAN 60-0/0 OF THE QUOTA HELD BY A TRADING COMPANY HAS NOT BEEN RECOMMENDED AS OF FEBRUARY 28, 1978, UP TO 60-0/0 OF THE QUANTITY NOT RECOMMENDED.

B. WHEN MORE THAN 80-0/0 OF THE QUOTA HELD BY A TRADING COMPANY HAS NOT BEEN RECOMMENDED AS OF MARCH 31, 1978, UP TO 80-0/0 OF THE QUANTITY NOT RECOMMENDED.

C. WHEN ALL THE QUOTA HELD BY A TRADING COMPANY HAS NOT BEEN RECOMMENDED AS OF APRIL 30, 1978, THE ENTIRE QUANTITY.

8. PENALTY.

A. WHERE THERE OCCURS A RETURNED OR FORFEITED QUANTITY DURING THE PERIOD FROM APRIL 1, 1978 TO APRIL 30, 1978, 100-0/0 OF SUCH QUANTITY WILL BE DEDUCTED FROM THE QUANTITY TO BE ALLOCATED IN THE NEXT YEAR.

B. WHERE THERE OCCURS A RETURNED OR FORFEITED QUANTITY FROM MAY 1, 1978 TO JUNE 30, 1978, 200-0/0 OF THE QUANTITY WILL BE DEDUCTED FROM THE QUANTITY TO BE ALLOCATED IN THE NEXT YEAR.

9. RECOMMENDATIONS. RECOMMENDATIONS FOR TRADING COMPANIES WILL BE MADE WITHIN THE QUOTAS BY CATEGORIES OF SUCH COMPANY. A QUANTITY WHICH HAS RECOMMENDED BUT NOT SHIPPED BY JUNE 28, 1977 WILL BE INCLUDED IN THE ABOVE RECOMMENDATIONS.

10. ISSUANCE OF VISAS. EACH TRADING COMPANY SHOULD OBTAIN VISAS WITHIN ITS RESPECTIVE QUOTAS BY CATEGORIES AND SUBMIT THE VISAS AT THE TIME OF SETTLEMENT OF PAYMENT FOR EXPORT.

A. APPLICATION DOCUMENTS NECESSARY EACH TIME:

- 1) APPLICATION FOR ISSUANCE OF VISA.
- 2) SHIPPING DOCUMENT (BILL OF LADING).
- 3) INVOICE.

B. ADDITIONAL DOCUMENTS NEEDED IN EACH PHASE:

1) JUNE 28, 1977 - APRIL 30, 1978. A COPY OF THE EXPORT PERMIT (PROVIDED THAT THE ACCOMPLISHING SHIPMENT IS CONFIRMED IN THE ORIGINAL EXPORT PERMIT WITHIN 15 DAYS AFTER THE ISSUANCE OF THE VISA).

2) MAY 1, 1978 - MAY 31, 1978. AN ORIGINAL OF THE EXPORT PERMIT (PROVIDED THAT THE ACCOMPLISHING SHIPMENT IS CONFIRMED WITHIN 15 DAYS AFTER THE ISSUANCE OF THE VISA).

3) JUNE 1, 1978 - JUNE 30, 1978 (FOR SHIPMENTS MADE BEFORE JUNE 30, VISAS WILL BE ISSUED UNTIL JULY 10, 1978):

AN ORIGINAL OF THE EXPORT PERMIT (IN WHICH HAS BEEN CONFIRMED THE ACCOMPLISHMENT OF SHIPMENT), PROVIDED THAT, IN CASE THE SHIPMENT IS MADE BY AIR, THE VISA WILL BE ISSUED ON CONDITION THAT SUBMISSION OF THE COPY OF THE EXPORT PERMIT IS SUPPLEMENTED WITHIN 24 HOURS THEREAFTER BY SUBMISSION OF THE ORIGINAL EXPORT PERMIT IN WHICH HAS BEEN CONFIRMED THE ACCOMPLISHMENT OF SHIPMENT.

C. REISSUANCE OF VISA IN CASE OF LOSS. SUBJECT TO CONFIRMATION BY THE HEAD OF THE LOCAL LEGATION, REISSUANCE WILL BE MADE UNDER THE CONDITION THAT THE SAME AMOUNT WILL BE DEDUCTED FROM THE NEXT YEAR'S QUOTA.

11. INTERIM MEASURES. FOR A COMPANY WHICH HAS, ON JUNE 28 (1977), A SHIPMENT TO BE MADE UNDER A RECOMMENDATION GIVEN BEFORE THE REGULATIONS OF RECOMMENDATION BY SOOIL 1313-1026 (APRIL 4, 1977) AND THE QUANTITY OF WHICH EXCEEDS ITS QUOTA, VISAS EXCEEDING THE QUOTA WILL BE ISSUED FOR THE QUANTITIES SHIPPED UNTIL AUGUST 31, 1977 PROVIDED THAT THE QUANTITIES EXCEEDING THE QUOTA WILL NOT BE DEEMED TO BE THE FIGURES EXPORTED FOR THE YEAR AND THE QUANTITY WILL BE DEDUCTED FROM THE QUOTA ALLOCATED DURING THE PERIOD OF THE AGREEMENT. (PARTICULARS WILL BE SEPARATELY INSTRUCTED AFTER SEPTEMBER 1.)

12. EARLY RECOMMENDATIONS. EARLY RECOMMENDATIONS TO ENABLE PREPARATORY MANUFACTURE FOR THE NEXT YEAR WILL BE MADE AS FOLLOWS:

A. TIME: AFTER MARCH 1, 1978.

B. QUANTITY: UP TO 80-0/0 OF THE CONSUMPTION OF THE QUOTA AT THE TIME OF RECOMMENDATION (TAKING INTO CONSIDERATION THE QUANTITY OF EXPORT ACCOMPLISHMENTS AND PENALTY DEDUCTIONS).

C. CONDITION: SHIPMENT SHALL BE MADE AFTER JULY 1, 1978. (THE RECOMMENDATION OF EXPORT VALIDATION MUST BE WRITTEN IN RED PENCIL.)

D. VISA ISSUANCE FOR EARLY RECOMMENDED QUANTITIES. VISAS WILL BE ISSUED PURSUANT TO THESE GUIDELINES UP TO THE LIMIT OF EARLY RECOMMENDED QUANTITIES UNTIL THE GUIDELINES FOR EXECUTING THE NEXT YEAR'S QUOTA ARE DIRECTED, AFTER JULY 1, 1978.

13. MISCELLANEOUS.

A. THE INDICATION OF THE NEXT YEAR'S GUIDELINES FOR EXECUTING A QUOTA.

1) OPEN QUOTAS WILL BE ESTABLISHED, AND EXPORTERS WHICH HAVE EXPORTED HIGHER PRICED ITEMS OR HAVE DONE ACTUAL EXPORTATION TO REGIONS OTHER THAN THE U.S. WILL BE TREATED PREFERENTIALLY IN REGARD TO QUOTAS; EXPORTS MADE THROUGH CERTAIN FOREIGN COMPANIES MAY BE TREATED DIFFERENTLY. HOWEVER, THE PARTICULAR CONTENTS THEREOF WILL BE SUBJECT TO SEPARATE GUIDELINES.

B. EXPORTS BY COMPANIES IN THE FREE EXPORT ZONE AND JOINT VENTURE COMPANIES WILL ALSO BE SUBJECT TO THESE GUIDELINES.

14. MATTERS TO BE OBSERVED BY THE (FOOTWEAR EXPORTATION) ASSOCIATION.

A. WHEN A MEMBER OF THE ASSOCIATION FILES AN APPLICATION FOR ALLOCATION OF QUOTA, THE ASSOCIATION SHOULD ISSUE A RECEIPT BEARING THE FILING DATE (TIME, DAY, MONTH, YEAR) AND THE FILING NUMBER. (EACH ASSOCIATION MUST GIVE RESPECTIVE SERIAL NUMBERS.)

B. WHERE THERE IS NO COMPETITION, ALLOCATIONS WILL BE MADE WITHIN TWO DAYS FROM APPLICATION DATE AND WHEN THERE IS COMPETITION, WITHIN FIVE DAYS FROM APPLICATION DATE. THE RESULTS OF ALLOCATIONS MUST BE COMMUNICATED TO THE COMPANIES CONCERNED.

C. AN EXECUTIVE ASSOCIATION MUST BE NOMINATED, WHICH MUST REPORT THE DAILY RECOMMENDATION MADE AND THE DAILY STATUS OF CONSUMPTION OF QUOTA BY THE NEXT DAY.

D. STATUS OF QUOTA ALLOCATIONS FOR EACH TRADING COMPANY AND FOR EACH CATEGORY, STATUS OF TRANSFER ALLOWANCES, STATUS OF RETURNED QUOTAS, AND STATUS OF FORFEITED QUOTAS WILL BE PREPARED FOR EACH MONTH AND SUCH STATUS REPORTS MUST BE SUBMITTED WITHIN THE FIRST FIVE DAYS OF THE NEXT MONTH.

E. STATISTICS ON EXPORT OF NON-RUBBER FOOTWEAR TO OTHER REGIONS AFTER THE EFFECTIVE DATE OF THESE GUIDELINES MUST BE MAINTAINED FOR EACH CATEGORY.

F. WHEN THE ASSOCIATION DETERMINES THAT THERE ARE ACTS IN CONTRAVENTION OF LAWS AND INSTRUCTIONS FOR OPERATIONS OF QUOTAS, ACTS OF DUMPING WITH CONSPICUOUSLY LOW PRICES OR ACTS WHICH CAUSE CONFUSION IN ALLOCATING QUOTAS, IT MUST REPORT THEREON IN DETAIL TO THIS MINISTRY BEFORE MAKING ALLOCATIONS OF QUOTAS.

CONTROLLED ITEMS AND CATEGORIES

<u>CATEGORY</u>	<u>ITEM</u>	<u>TSUSA NO.</u>
K I	LEATHER FOOTWEAR	700.05-700.45 (EXCLUDING ATHLETIC FOOTWEAR)
K II	ATHLETIC FOOTWEAR	700:2800, 2920, 3505, 3515, 4305, 4505
	VINYL FOOTWEAR	700:58
	OTHER FOOTWEAR	700.66-700.85 (EXCLUDING 700.75 AND 700.8510)

수일 1513-

(76-3505)

1977. 6. 23

수신 수신서 참조

미국 내 미군부대의 1차년도 소년 징발 요령

미국 내 미군부대의 1차년도 소년 징발 요령을 다음과 같이 서당하
 시령에 안전을 기하기 바랍니다.

1. 규제 기간 : 1977. 6. 23 - 1978. 6. 30.

2. 규제 동부 : 반침.

3. 조사항.

관.미 연합산 1차년도 소년 징발 요령을 전당 기본 조항도 변경하
 기로 24,000신속을 편성하고 간담문은 1977. 5. 1 이후 변경함.

4. 사기병 변경 요령

5. 기타 조항

(1) 주 신상 1976. 4. 4 - 1977. 4. 3 전의 신상(수출

변경 됨에 의해 확인) Category 구분외의 안분 미침함.(2) Category 변경

집기 요령에 의해 변경된 신상병 조항을 다음과 같이
Category 남보 제 변경함.

(가) 수출 면상 Category 가 확인되는 신상이 변경되는 주 신상의 정당은 조항 Category 남보 확인함.(나) Category 남보 신상의 확인되는 주

신상의 미국주 민정상의 등록, 거주 및 수출을 기본으로 조항

신상의 확인하고 이에 따라 Category 남보 조항도 변경함.

4. 111 1 1 1

5. die

7. XII 4 XI 219 346 241 25.

1. 6/19/78 - 1st day of the trip.

4. 本報告의 大體 如上 如하의 如하.

• 212

기. 원작의 일부가 이 시의 일부에 포함되어 있다.

(5) 이의신청은 원의 판결을 받은 당사자 또는 그 법정대리인(당사자가 미성년인 경우에는 법정대리인)에 한한다.

4. 만가, 국가지도자회의는 농업부의 산하에 설치한다.

7. 4 2 3 1

① 10% 이하의 가격인하를 목적으로 하는 경우 60% 이상을
상회하지 못한 경우에는 60%까지의 가격 인하율,

4. 73. 3. 31 현재 광학 불투명 지시 노점의 수 80% 이상

가. 다음 중의 어느 것은 30 이하의 비수신번호,

나. 75. 4. 1 - 75. 4. 30 이하의 번호와 75. 5. 1 - 75. 5. 30 이하의 번호를

합한 것을 비수신번호로 규정한다.

5. 수신

가. 75. 4. 1 - 75. 4. 30 이하의 번호 및 수신번호는

다음과 같다.

나. 75. 5. 1 - 75. 5. 30 이하의 번호 및 수신번호는

다음과 같다. 비수신번호로 규정한다.

5. 수신

간지번호 category 된 보류조각 편지번호는 수신번호

와 함께 접수번호 및 간지번호는 수신번호에 포함된다.

6. 기타

간지번호 category 된 보류조각 편지번호는 수신번호

와 함께 접수번호 및 간지번호는 수신번호에 포함된다.

가. 공문 수신 구별

(1) 비리 자금 간지번호

(2) 간지번호 (8) -

(3) 송장 (Invoice)

나. 단점 수신 구별

(1) 75. 4. 21 - 75. 4. 30

수신번호 간지번호 (비리 자금 15 이하)

(2) 75. 5. 1 - 75. 5. 31

(2) 75. 5. 1 - 75. 5. 31

수신번호 간지번호 (비리 자금 15 이하) 기적확인

본문 참조)

(3) 7. 6. 1 - 7. 6. 30

(4) 7. 7. 1 - 7. 7. 10

수업 시간 : 10분

1. 수업 시간 : 10분 (10분)의 범위

2. 수업 시간 : 10분 (10분)의 범위

3. 수업 시간 : 10분 (10분)의 범위

4. 수업 시간 : 10분

5. 수업 시간 : 10분 (10분)의 범위

6. 수업 시간 : 10분

11. 결구

수업 10분 (10분)의 범위

7. 수업 시간 : 10분 (10분)의 범위

8. 수업 시간 : 10분 (10분)의 범위

9. 수업 시간 : 10분 (10분)의 범위

10. 수업 시간 : 10분 (10분)의 범위

12. 결구

수업 10분 (10분)의 범위

13. 수업 시간 : 10분

14. 수업 시간 : 10분 (10분)의 범위

15. 수업 시간 : 10분 (10분)의 범위

16. 수업 시간 : 10분 (10분)의 범위

17. 수업 시간 : 10분 (10분)의 범위

(수업 시간 : 10분 (10분)의 범위)

18. 수업 시간 : 10분 (10분)의 범위

19. 수업 시간 : 10분 (10분)의 범위

조기후천 수당

7. 7. 1 이후 각년도 교육 내용 요령이 신달될 때 까지

Category

Category	TSUSA No
K. I. Footwear (Athletic Footwear 제외)	700.01-700.45
K. L. Athletic footwear	700; 2800, 2920, 3505, 3515, 4305, 4505
Vinyl footwear	700.58
Other	700.66-700.85
	(단 700.75 및 700.8510 제외)

In The
United States Court of Appeals
For the Second Circuit

The Reporter Co., Inc., 11 Park Place, New York, N. Y. 10007

Sneaker Circus Inc.,

et al.

Plaintiffs-Appellants

against

Jimmy Carter, President of the United States et al.

Defendants-Appellees

AFFIDAVIT
OF SERVICE

STATE OF NEW YORK,

COUNTY OF New York, ss:

Raymond J. Braddick, agent for Vincenti & Schickler Esqs.

being duly sworn,

deposes and says that he is over the age of 21 years and resides at

11 Park Place New York, New York

That on the 10th. day of August 19 77 at

he served the annexed Reply Brief
225 Cadman Plaza Brooklyn, New York

upon

David G. Trager Esq. U.S. Attorney

in this action, by delivering to and leaving with said attorney

3 true copies thereof.

DEPONENT FURTHER SAYS, that he knew the person so served as aforesaid to be the person mentioned and described in the said action

Deponent is not a party to the action.

Sworn to before me, this 10th.

day of August 19 77

Robert W. Johnson
ROBERT W. JOHNSON
Notary Public, State of New York
No. 4509705
Qualified in Delaware County
Commission Expires March 30, 1979

Raymond J. Braddick